

Best Practices

For Compliance with the MIDC's Standards

Training for Assigned Counsel, Using Experts and Investigators, and Independence from the Judiciary

MIDC Regional Manager Team December 2021

Minimum St	tandards	for Indig	ent
Criminal	Defense	Services	

October 2021

Standards 1, 2, 3, and 4 were approved by the Department of Licensing and Regulatory (LARA) on May 22, 2017. These standards cover training and education of counsel, the

The standard for determining indigency and contribution was approved by LARA on Oc. 28, 2001.

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This podice alos contains the correlete text of the approved standards as well as standards pending approval by LARA which were submitted in September 2018 (amended june 20 Those standards address defender verticod limitations, qualification and review of ottom conception assignments in addit criminal cases, and attorney compensation.

information about these standards, plans for compliance, and funding can be found on o website at www.michiganids.gov.



https://michiganidc.gov/standards/

Standard 1 – Training and Evaluation

Annual requirements

12 hours or multi day (16+ hours) skills training course(s)

Standard 1 – Training and Evaluation

Topics for Training

Knowledge of the Law Knowledge of Scientific Evidence and Applicable Defenses Knowledge of Technology

lowyer shall provide competent representation to a client. A lowyer shall not:

(a) hands a logal matter which the lowyer incose or should know that the sawyer in not competent to handle in:

(b) handle a logal of the should be should b

AMAINAINING COMPETENCE
To maintain the requisite knowledge and skill, a lawyer should engage in continuing study and education including the knowledge and skills regarding existing and leveloning technology that are reasonably necessary to provide competent representation for the client in a particular matter. If a system of peer review has been established, the lawyer should consider making use of it in appropriate circumstances.

Standard 1 – Training and Evaluation

Funding

Covered in compliance plans, check to see what is approved for your system

Standard 1 – Training and Evaluation Restrictions No outdated webinars, generally no out of state courses Questions about CLE? • Answers to FAQs for Attorneys • Status of hours to date Mitchelld20@Michigan.gov https://michiganidc.gov/cle/ 517-643-6875 Standard 1 – Training and Evaluation **Tracking Time Spent in Training**

Ethics, part II

Why	is	trair	ning	impo	ortant?
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Standard 3 – Investigation and Experts

Investigation & Experts

Standard 3 – Investigation and Experts

Funding

is for adult indigent defendants

in trial court

not covered under the Appellate Defender Act



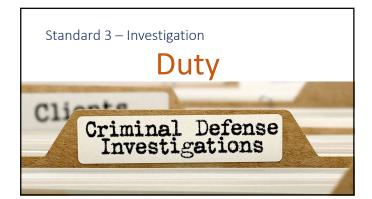
Standard 3 – Investigation and Experts

Prompt requests make a difference.



Standard 3 – Investigation and Experts Promptness = Prep For Bond Determination Hearings Preliminary Hearing Pretrial Standard 3 – Investigation and Experts Prep For: Bond Determination Hearings	REMEMBER: No matter how prompt always after the police and prosecution.	
Prep For:	Promptness = Prep For Bond Determination Hearings Preliminary Hearing	
	Prep For:	

Standard 3 – Investigation and Experts Prep For: Preliminary Hearing	
Standard 3 – Investigation and Experts Prep For: Pretrial	
Standard 3 – Investigation and Experts Continuous Investigation Before During After Trial	



Standard 3 – Investigation









Standard 3 – Investigation

What if the client just wants to plead guilty?

Standard 3 – Investigation

What if the client doesn't want an investigation?



Standard 3 – Experts

Why?

Prepare the defense

Rebut the prosecution's case

Examine the evidence

Standard 3 – Experts Prep the defense Standard 3 – Experts Rebut the prosecution's case Standard 3 – Experts **Examine**

evidence

Standard 5 — Independence from the Judiciary A "public defender is not, and by nature of his function cannot be, the servant of an administrative superior . . . [and] it is the constitutional obligation of the State to respect the professional independence of the public defenders whom it engages." Polis v Dodgon, 464 US 312, 232-332, 103 SCI 445, 451; 30 L 63 24 500 (1981)

Standard 5 – Independence from the Judiciary

What can the judiciary do?

Inform of rights

Screen for indigency (maybe)*

Refer to local appointing authority

Decide legal motions, i.e., attorney removal

Provide information/advice/opinions on the delivery of services

Standard 5 — Independence from the Judiciary MCL 780.993(11): "Within 180 days of receiving funds from the MIDC... an indigent defense system shall comply ... in bringing its system into compliance with the minimum standards" STATE OF MICHIGAN DEPARTMENT OF LICENSING AND RECOLATORY ATFAIRS ONLY MANUAL MANUA

Issued and entered this $\underline{29^h}$ day of October 2020.

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